

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

RICHARD E. KAPLAN,

*Plaintiff,*

V.

FIRST HARTFORD,

*Defendant.*

Civil Action Nos. 04-10402-NMG  
05-10320-NMG  
06-10424-NMG

**DEFENDANT FIRST HARTFORD CORPORATION'S  
ASSENT TO TRIAL WITHOUT JURY**

In response to the Court's instruction at the April 6, 2006 final pretrial conference, defendant First Hartford Corporation hereby confirms that it has no objection to proceeding with the trial of this action, which is scheduled to commence on May 1, 2006, without a jury.

Respectfully submitted,

FIRST HARTFORD CORPORATION

By its attorneys,

/s/ Jonathan I. Handler  
Jonathan I. Handler, BBO #561475  
Jillian B. Hirsch, BBO #659531  
DAY, BERRY & HOWARD LLP  
One International Place  
Boston, MA 02110  
(617) 345-4600

-and-

John B. Nolan (admitted *pro hac vice*)  
DAY, BERRY & HOWARD LLP  
CityPlace I  
Hartford, CT 06103  
(860) 275-0100

Dated: April 10, 2006

**CERTIFICATE OF SERVICE**

I, Jillian B. Hirsch, hereby certify that I have served the within *Defendant First Hartford Corporation's Assent to Trial Without Jury* by causing a copy to be mailed, first class postage prepaid and addressed to Larry C. Kenna, Choate, Hall & Stewart, Two International Place, Boston, Massachusetts, 02110, on this 10th day of April, 2006.

/s/ Jillian B. Hirsch

Jillian B. Hirsch